



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,343	11/22/2006	Jacques Defaye	0508-1141	4595

466 7590 05/01/2009
YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

BLAND, LAYLA D

ART UNIT

PAPER NUMBER

1623

MAIL DATE

DELIVERY MODE

05/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

This office action is in response to Applicant's amendment and response after FINAL filed on April 16, 2009.

The claims have been amended to remove non-elected subject matter.

The rejection of claim 34 under 35 USC 112, second paragraph for being indefinite with respect to the limitation "visualization probe or fluorescent or radioactive detection probe" is withdrawn. Applicant's arguments are persuasive.

The application is not in condition for allowance for the following reasons:

Claim 34 contains a proviso to exclude a particular compound. Because the definition of Z was narrowed in the amendment filed April 16, 2009, the compound of the proviso is not encompassed by the claim.

Claim 42 depends from claim 38, and recites a limitation for Z. Because the definition of Z was narrowed in independent claim 34, claim 42 does not further limit claim 28.

Claim 47 was amended such that R can be a branching element "consisting of tris(2-hydroxymethyl)methylamine radical." Independent claim 34 requires that R can be "a multiplication element with several branches comprising glucidic groups." The tris(2-hydroxymethyl)methylamine radical is considered to be a multiplication element, but does not comprise glucidic groups. There is insufficient antecedent basis for this limitation in the claim. Furthermore, the point of attachment of the tris(2-hydroxymethyl)methylamine radical to the main

structure is not set forth, so the structure is unclear. Finally, the structure of tris(2-hydroxymethyl)methylamine radical is as follows:



In claim 47, formulae (IV) and (IV-a) appear to be derived from the above structure wherein the nitrogen of the thiourea group Z is directly attached to the quaternary carbon in the above structure. However, if R consists of a tris(2-hydroxymethyl)methylamine radical which is attached to the thiourea through the amino group, the resulting structure would contain a N-N bond, which is an unlikely structure (and no such structures were found in the specification). For these reasons, R "consisting of tris(2-hydroxymethyl)methylamine radical" is indefinite.

In claim 54, antineoplastic is misspelled.

In claim 59, "one of" in the last line appears to be a typo, since the claim is drawn to a composition comprising "a compound."

Applicant has requested rejoinder of withdrawn claims upon allowance. It is noted that, in withdrawn claim 30, there is a definition for the variable "W," but no "W" exists in the structures in claim 30.

In a telephonic interview with Robert Goozner on April 27, 2009, the examiner informed Mr. Goozner of the issues set forth above. Mr. Goozner requested that the issues be presented in written form in an advisory action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shaojia Anna Jiang/
Supervisory Patent Examiner, Art Unit 1623

/Layla Bland/
Examiner, Art Unit 1623